IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 16228 of 2007(S)
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(M.C.73/2006 OF FAMILY COURT, THRISSUR)

PETITIONER: RESPONDENT:
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SHYJU, AGED 24 YEARS,
PULLUVEETIL HOUSE, NATIKA,
THRISSUR.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS: PETITIONERS:
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ADI KRISHNA @ NANDU,
D/O.OF GIRIJA, THRIPRAYATTU HOUSE,
P.O.NATTIKA, THRISSUR,
REPRESENTED BY MOTHER AND GUARDIAN,
GIRIJA AGED 29 YEARS, THRIPRAYATTU HOUSE,
P.O.NATTIKA, THRISSUR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR, JJ.**

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**Writ Petition (Civil) No.16228 of 2007**

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**Dated 29th May, 2007.**

**J U D G M E N T**

**Kurian Joseph, J.**

Challenge is on Ext.P4 order passed by the Family Court, Thrissur, on a petition filed by the respondent for maintenance. The petitioner disputed paternity. The Family Court in such circumstances ordered DNA test. The petitioner apprehends that in case such steps are proceeded with, the same would affect him adversely in the criminal case pending before the Sessions Court, Thrissur, charged under the provisions of Section 376 I.P.C. read with Section 3(1)(xii) of the S.C./S.T. (Prevention of Atrocities) Act, 1989. We are afraid, there is no basis for such an apprehension. Once paternity is disputed in a maintenance case, any further steps in the matter can be taken only after establishing the paternity. For that purpose, DNA test is absolutely essential. Even if DNA test is against the petitioner, that by itself is not going to stand against the petitioner in the criminal case. Therefore, we do not find any merit in the writ

petition. It is accordingly dismissed.

**KURIAN JOSEPH, JUDGE.**

**T.R.RAMACHANDRAN NAIR, JUDGE.**

**tgs**

**KURIAN JOSEPH &**

**T.R.RAMACHANDRAN NAIR, JJ**

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**L.A.A. NO. OF 2004**

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**J U D G M E N T**

**Dated 29th May, 2007.**